

AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE

Index # 07 CV 8430

Purchased/Filed: January 24, 2008

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN COUNTY

Avgraphics, Inc., Jean Pierre Azoulay and Daria McDermott

Plaintiff

against

NYSE Group, Inc. (successor in interest to New York Stock Exchange, Inc.), et al.

Defendant

STATE OF NEW YORK
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on January 24, 2008, at 3:45pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summons in a Civil Action, First Amended Complaint with Jury Demanded, Rule 7.1 Statement with Exhibits Bearing the above Index # and Filing Date

on

E*Trade Securities LLC s/h/a E-Trade Securities, LLC, the

Defendant in this action, by delivering to and leaving with Chad Matice,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; That said service was made pursuant to Section 303 Limited Liability Company Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 28yrs Approx. Wt: 200lbs Approx. Ht: 6'0"
Color of skin: wht Hair color: Dk. Brn. Sex: M Other: Glasses

Sworn to before me on this

24th day of January 2008

Deborah A Bottisti (Berlin)

DEBORAH A BOTTISTI

NOTARY PUBLIC, State of New York

No 01BO6036756, Qualified in Albany County

Commission Expires February 7, 2010

Jessica Miller

Jessica Miller

Invoice•Work Order # 0617192

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CIV 8430

AVGRAPHICS, INC., JEAN PIERRE AZOULAY AND
DARIA MCDERMOTT,

Plaintiff(s),

AFFIDAVIT OF SERVICE
OF AMENDED SUMMONS
AND AMENDED COMPLAINT

-against-

NYSE GROUP, INC., (successor in interest to New York
Stock Exchange, Inc.,) JOHN GREGORETTI, TONY
WALENTY, SAN COCOZZA, MARGARET DeB. TUTWILER,
JOHN THAIN, individually and as employees of NYSE GROUP
INC., ANTHONY WILSON a/k/a TONY WILSON, DANA
GREGORETTI AND E-TRADE SECURITIES, LLC,
Defendants.

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

JOHN MICHAEL DEVITO, being duly sworn deposes and says: that deponent is not a party to his action, is over 18 years of age and resides at Farmingdale, NY 11735. That on January 24, 2008 at 4:08 p.m. at 135 East 57th Street, New York, New York, deponent served the within Amended Summons and Amended Complaint on defendant E-Trade Securities, LLP therein named.

1. INDIVIDUAL by delivering a true copy of each to said defendants personally; deponent knew the person so served to the person described as said defendant therein.
2. CORPORATION a domestic corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be AUTHORIZED TO ACCEPT thereof
3. X SUITABLE AGE PERSON by delivering thereat a true copy of each to a person of suitable age discretion. Said premises is defendant's - actual place of business - dwelling house - usual place of abode - within the state.
4. AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's - actual place of business - dwelling house - usual place of abode - within the state. Deponent was unable with due diligence to find defendant or a person of suitable age and discretion, thereat having called there

 MAILING
use with 3 or 4
(if applicable)

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addresses to defendant at defendant's last known residence, at and deposited said wrapper in - a post office - depository under exclusive care and custody of the United States Postal Service within New York State.

MAILED IN AN ENVELOPE MARKED PERSONAL AND CONFIDENTIAL

 DESCRIPTION Deponent describes the individual served as follows:
1 or 3

<u> X </u> Male	<u> </u> White Skin	<u> X </u> Black Hair	<u> </u> 14-20 Yrs.	<u> </u> Under 5'	<u> </u> Under 100 lbs.
<u> </u> Female	<u> </u> Black Skin	<u> </u> Brown Hair	<u> </u> 21-35 Yrs.	<u> </u> 50" - 5'3"	<u> </u> 100-130 lbs.
<u> X </u> Brown Skin	<u> </u> Blond Hair	<u> X </u> 36-50 Yrs.	<u> X </u> 5'4" - 5'8"	<u> X </u> 131-160 lbs.	
<u> </u> Glasses	<u> </u> Gray Hair	<u> </u> 51-65 Yrs.	<u> </u> 5'9" - 6'0"	<u> </u> 161-200 lbs.	
	<u> </u> Red Hair	<u> </u> Over 65 Yrs.	<u> </u> Over 6'	<u> </u> Over 200 lbs.	
	<u> </u> White Hair				
	<u> </u> Balding				
	<u> X </u> Goatee				

Sworn to before me on January 25, 2008

Rosemary A. Moran
ROSEMARY A. MORAN
Notary Public, State of New York
No. 0151260174005
Qualified in Nassau County
Commission Expires 03/21/2011

John Michael Devito
JOHN MICHAEL DEVITO